

RECORDS AND CORRESPONDENCE

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12 March 1978

CIA RECORDS DESTRUCTION POLICY

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Rescission: [] dated 7 September 1976

Reference : []

1. This notice informs CIA employees of the requirements that must be met before Agency records may be destroyed. In a letter to the DCI dated 21 December 1977, the Chairman of the Senate Select Committee on Intelligence noted in part that the "moratorium" on destruction of intelligence and investigative records originally requested by the Senate had expired and therefore "all agencies maintaining records pursuant to the moratorium may return to normal records destruction policies." The requirements of the Agency's "normal records destruction policies" are outlined in this paragraph, and procedures are presented in paragraph 2. These requirements and procedures are effective upon publication of this notice; however, certain aspects of destruction approval are being worked out with Congress. Therefore, no records may be destroyed until publication of a second notice authorizing such destruction.

a. The United States Code, Title 44, Chapter 33, Disposal of Records, defines "records" as including "all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that Agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them." (44 U.S.C. 3301)¹

b. Federal records may not be destroyed without prior authorization by the Archivist of the United States. The Archivist authorizes destruction by signing Standard Form 115, Request for Records Disposition Authority, which identifies series of related records and specifies the time for their destruction. Within the Agency, CIA Form 139, Records Control Schedule, which includes additional detail, is used to implement the dispositions approved on SF 115. Copies of SF 115 and Form 139 are provided to the Senate Select Committee on Intelligence at least 60 days prior to their implementation.

¹ "Records" include documents, whether in "soft" files or "official" files, that deal with record matters as defined above and are not merely duplicates of official record copies filed elsewhere in the Agency; records also include such things as appointment calendars, diaries, and notes if they deal with record matters as defined above.

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c. Other considerations are of equal importance in deciding whether to destroy CIA records. These considerations include legislation such as the Freedom of Information Act and the Privacy Act, litigation such as Federal antitrust suits and personal lawsuits, and matters under investigation by the Department of Justice or Congress. Although records subject to legal or investigative requirements are identified when a requirement arises, it is necessary to ensure that they are not inadvertently destroyed. Therefore, before destroying any Agency records, whether on paper, magnetic tape, film, or other recording media, it must be determined that there are no actual or impending legal or investigative requirements for the records.

2. The Agency Records Management Officer (Chief, Information Systems Analysis Staff, DDA), in coordination with other Agency officials, is responsible for ensuring that CIA records are properly maintained and destroyed in accordance with the above requirements. To ensure compliance, the following steps must be taken:

a. Before destroying any records, each employee must consult the component Records Management Officer (RMO) and the custodian of the records to verify that the records are scheduled for immediate destruction on an approved Form 139, Records Control Schedule. If the records are not scheduled for immediate destruction, they may not be destroyed unless the Agency RMO obtains approval to amend the records control schedule by submitting an SF 115, Request for Records Disposition Authority, to the Archivist of the United States.

b. Records relating to pending Freedom of Information Act or Privacy Act requests to the Agency are subject to additional retention periods established by the Archivist and included in the records control schedules. Normally, requested records are duplicated in their entirety at the time of a request, and the duplicate copies are maintained in accordance with the retention period for the related request. However, if such duplication is not practical, the records are instead flagged at the time of the request, using Form 4016, Information Request Flag, and must be segregated later from the records series at the time the records series is being processed for destruction. Alternatively, all records in process for destruction may be checked against an automated index of FOIA/PA requirements.

c. It also must be determined that records being processed for destruction are not related to actual or impending litigation or to matters under investigation by the Department of Justice or Congress. The initial determination will be made by the component RMO and the custodian based on their review of the records and on information provided by the General Counsel to the component RMO through the Agency and directorate RMO's. If the initial review raises any question as to actual or impending legal or investigative requirements for the records,

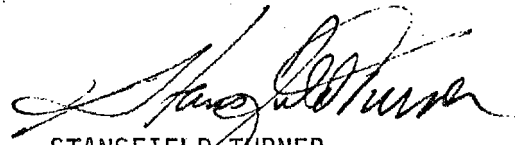
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authority to destroy them must be obtained by routing Form 141c, Request for Authorization to Retain or Destroy Questionable Records, through the custodian and the component and directorate RMO's to the Records Administration Branch, ISAS. The Agency RMO will obtain the concurrence of the General Counsel prior to approving the actual destruction of the records. (If approval is denied, the Agency RMO must submit to the Archivist a request for authorization to retain the records longer than originally scheduled.)

d. Records authorized for destruction under the above procedures still may not be destroyed until further notice. In the interim such records will be deposited in the "destruction holding area" at the Agency Archives and Records Center.

3. "Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents" are excluded from the 44 U.S.C. 3301 definition of "records" and may be destroyed when no longer needed.²

4. Questions on implementing this policy should be directed to the component Records Management Officer.


STANSFIELD TURNER
Director

Attachments:

1. Form 141c
2. Form 4016

DISTRIBUTION: ALL EMPLOYEES

² "Non-records" include:

"Reading file" or "chrono" copies of correspondence that are duplicates of the record copies filed in subject or project files.

"Tickler", "follow-up", or "suspense" copies of correspondence.

Identical duplicate copies of documents maintained in the same file.

Extra copies of printed or processed materials, official copies of which have been retained for record purposes.

Library reference collections of documents produced by other agencies, where the originating agency is responsible for maintaining the record copy.

Superseded manuals and other directives, maintained outside the office responsible for retaining the record set.

Routing slips and transmittal sheets without written comment of record value.

Drafts and stenographic materials which have been transcribed; reproduction materials such as stencils, hectograph masters, and offset plates.

Blank forms.

Catalogues, trade journals, and similar externally produced publications which require no action and are not part of a case upon which action is taken.

Desk calendars and notes which do not deal with record matters as defined in paragraph 1a above.

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**REQUEST FOR AUTHORIZATION
 TO RETAIN OR DESTROY QUESTIONABLE RECORDS**

002900070002-2 AUTHORIZATION NO. (Assigned by RAB)

TO : Chief, Information Systems Analysis Staff, DDA
 THRU: Component Records Management Officer
 Directorate Records Management Officer
 Records Administration Branch, ISAS/DDA
 Office of General Counsel

FROM: (OFFICE DESIGNATION OF ORIGINATOR)

2. DATE PREPARED

THE RECORDS IDENTIFIED BELOW ARE SCHEDULED FOR IMMEDIATE DESTRUCTION; HOWEVER, THEY MAY BE SUBJECT TO ACTUAL OR IMPENDING LEGAL OR INVESTIGATIVE REQUIREMENTS. AUTHORIZATION IS REQUESTED EITHER TO RETAIN THE RECORDS OR TO DESTROY THEM AS SCHEDULED. THE RECORDS ARE BEING HELD PENDING RECEIPT OF AUTHORIZATION. IF FURTHER RETENTION IS REQUIRED, REVISED DISPOSITION INSTRUCTIONS MUST BE PROVIDED TO RECORDS ADMINISTRATION BRANCH, ISAS.

IDENTIFICATION OF RECORDS

3. OFFICE	4. SCHEDULE NO.	5. ITEM NUMBER	6. INCLUSIVE DATES	7. VOLUME (cu. ft.)
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8. PROVIDE DETAILED DESCRIPTION AND LISTING OF RECORDS AND/OR ATTACH COPY OF FORM 140 AND 140A, MARKED TO INDICATE WHICH RECORDS ARE QUESTIONABLE. EXPLAIN BASIS FOR DETERMINING THAT RECORDS ARE QUESTIONABLE.

☐ CONTINUED ON SEPARATE PAGE

9. TYPED NAME AND SIGNATURE OF CUSTODIAN OF RECORDS

EXTENSION

DATE

10. TYPED NAME AND SIGNATURE OF COMPONENT RECORDS MANAGEMENT OFFICER

EXTENSION

DATE

11. TYPED NAME AND SIGNATURE OF DIRECTORATE RECORDS MANAGEMENT OFFICER

EXTENSION

DATE

AUTHORIZATION TO RETAIN OR DESTROY RECORDS

RETAIN ALL

1

RETAIN PARTIAL

1, 2

DESTROY ALL

12. TYPED NAME AND SIGNATURE OF GENERAL COUNSEL REPRESENTATIVE

EXTENSION

DATE

APPROVED

13. TYPED NAME AND SIGNATURE OF CHIEF, INFORMATION SYSTEMS ANALYSIS STAFF

DATE

14. 1 PROVIDE JUSTIFICATION FOR CONTINUED RETENTION. ALSO PROVIDE PROPOSED NEW DISPOSITION INSTRUCTIONS.
2 INDICATE UNDER SECTION 8 ABOVE WHICH RECORDS ARE TO BE RETAINED. THOSE NOT INDICATED FOR RETENTION ARE AUTHORIZED FOR IMMEDIATE DESTRUCTION.

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INFORMATION REQUEST FLAG

THIS FORM IS USED TO SAFEGUARD FROM INADVERTENT DESTRUCTION RECORDS THAT ARE INVOLVED IN FREEDOM OF INFORMATION ACT OR PRIVACY ACT REQUESTS, LITIGATION, OR MATTERS UNDER INVESTIGATION BY THE DEPARTMENT OF JUSTICE OR CONGRESS. IT MUST BE FILED IN THE FRONT OF A FOLDER TO LIST ALL DOCUMENTS IN THE FOLDER RELATED TO A SPECIFIC REQUEST (*one form for each request*), OR AS A SINGLE ATTACHMENT TO EACH INDIVIDUAL DOCUMENT. IT MUST NOT BE REMOVED FROM THE DOCUMENT OR FOLDER UNTIL THE RECORD SERIES IS DUE FOR DESTRUCTION IN ACCORDANCE WITH APPROVED RECORDS CONTROL SCHEDULES AT WHICH TIME DISPOSITION OF FLAGGED RECORDS WILL BE CHECKED WITH THE COMPONENT RECORDS MANAGEMENT OFFICER AND OTHER AUTHORITIES AND WILL BE DEPENDENT ON THE STATUS OF EACH REQUEST.

TYPE OF REQUEST

☐	PRIVACY ACT	☐	CONGRESSIONAL INVESTIGATIONS	☐	OTHER (<i>specify</i>)
☐	FOIA	☐	DEPT. OF JUSTICE INVESTIGATIONS		
☐	LITIGATION	☐	MANDATORY CLASSIFICATION REVIEW		

REQUESTER

REQUEST NO.

SUBJECT OF REQUEST

DATE OF REQUEST

DOCUMENTS SUBJECT TO REQUEST - INCLUDE FILE NO., SYMBOL, DATE AND SUBJECT

☐ CONTINUED ON SEPARATE PAGE

REMARKS

☐ CONTINUED ON SEPARATE PAGE

DATE OF COMPONENT RESPONSE

DATE APPEALED (*if applicable*)

DO NOT REMOVE THIS FORM FROM THIS FILE

6 March 78

Honorable Louis Stokes
Chairman, Select Committee on Assassinations
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

In a letter dated 9 December 1976 to a former Chairman of the Select Committee on Assassinations, the Honorable Thomas H. Downing, the former Director of Central Intelligence, Mr. George Bush, gave assurance that no records related to the Committee's investigations would be destroyed once the moratorium on the destruction of Agency records, invoked by the Church Committee, was lifted. Chairman Inouye of the Senate Select Committee on Intelligence, lifted the moratorium as of 21 December 1977.

In disposing of its records, CIA, like all Federal agencies, is subject to relevant provisions of Federal law. We have completed the records control schedules which are required by law and 21 of these 22 schedules have been approved by the Archivist of the United States. These schedules describe in some detail the Agency's files, govern the periods for which these files may properly be retained, and establish the timetable for their disposal. I should point out that once the Archivist approves these records schedules the disposition instructions and destruction schedules incorporated therein become obligatory upon the Agency under law.

We are most anxious to resume normal document destruction since the moratorium covered all Agency documents and this has created a tremendous administrative burden. My Legislative Counsel raised this subject with Mr. Blakey and he requested that a detailed discussion be deferred for another month when he contemplates that most of the review of CIA documents will be completed. Accordingly, at the end of March 1978, we will arrange for delivery of the schedules to you for Committee review and for a briefing of the Committee staff concerning the details contained in these records schedules. I am enclosing a copy of one of these schedules to illustrate that the records which are now being held are in the most part temporary in nature and are not in any way related to the matters your Committee is investigating.

I have also enclosed a copy of our recent Headquarters Notice, entitled CIA Records Destruction Policy. You will note that this destruction policy incorporates a number of safeguards against the destruction of records which may be pertinent to the needs of the Congress in general, and your Committee in particular.

We are planning to resume normal destruction on 1 May 1978 which should provide sufficient time for the Committee to complete its review of the schedules. It is my belief that this policy is fully responsive to the requirements of your investigation while enabling the Agency to comply fully with the requirements of the law.

Yours sincerely,

/s/

STANSFIELD TURNER

Enclosures
